THE HON'BLE SRI JUSTICE V.V.S.RAO

W.P.No.12628 OF 2007

Dated: 02.07.2007

Between:

Morampudi Pullaiah and others.

..Petitioners.

And

The Revenue Divisional Officer, Khammam and another.

..Respondents.

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12628 of 2007

ORDER:

The five petitioners are allegedly owners of the land admeasuring Ac.1.10 gts in survey No.280 situated at Kakullapally Village of Sathupally Mandal in Khammam District. When there was a threat of dispossession from Bethini Satyam and two others, they filed suit, being O.S.No.63 of 1999 on the file of the Court of the Junior Civil Judge, Sathupalli, and obtained *ad interim* injunction in I.A.No.170 of 1999. It is alleged that these persons with the assistance of a local MLA, lodged a complaint with first respondent, who treated the same as appeal, and by the impugned order, dated 09.04.2007, cancelled the pattadar passbook. Aggrieved by the said order, the petitioners filed instant writ petition seeking its invalidation.

The learned counsel for the petitioners strenuously submits that the copy of the complaint given by second respondent with first respondent was not furnished to the petitioners, as a result of which, they were denied opportunity to represent their case effectively. He also submits that the order passed by first respondent is erroneous as the land in survey No.280 is an agricultural land.

The submission of the learned counsel for the petitioners that they have no opportunity cannot be accepted. After receiving the notice, the petitioners engaged a lawyer, who filed vakalat. But as seen from the impugned order, they did not produce any material in support of their case that the land in survey No.280 is an agricultural land. If the petitioners dispute such a finding, the remedy is to approach the jurisdictional Joint Collector under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. The writ petition is misconceived.

The Writ Petition is accordingly disposed of giving liberty to the petitioners to approach the Joint Collector. No costs.

V.V.S.RAO, J

Dated:02.07.2007

sj